

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **People of MI v Michael James Spooner**
Docket No. **289675**
L.C. No. **94-050805-FC**

Christopher M. Murray, Chief Judge Pro Tem, acting under MCR 7.203(F)(1) and 7.216(A)(10), orders:

The delayed application for leave to appeal is DISMISSED for lack of jurisdiction. Defendant may not appeal the July 1, 2008 order denying a successive motion for relief from judgment. MCR 6.502(G)(1). The exceptions provided by MCR 6.502(G)(2) allowing a successive motion for relief from judgment based on a retroactive change in law or newly discovered evidence are inapplicable. Contrary to defendant's argument, he has presented nothing that can plausibly be viewed as newly discovered evidence that the sentencing judge breached a plea agreement.

The motion to waive fees is GRANTED for this case only.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAR - 5 2009

Date

Sandra Schultz Mengel
Chief Clerk